

**SUPREME COURT MINUTES
TUESDAY, DECEMBER 23, 2008
SAN FRANCISCO, CALIFORNIA**

S167791 C054124 Third Appellate District

**MARTINEZ (ROBERT) v.
REGENTS OF THE
UNIVERSITY OF
CALIFORNIA**

Petition for review granted (civil case)

The application of Kris Kobach to appear as counsel pro hac vice is granted.

The petition for review filed by respondents The Regents of the University of California and Robert C. Dynes is granted. The petition for review filed by respondents Board of Governors of the California Community Colleges, and Chancellor Marshall Drummond is granted.

The petition for review filed by appellants Robert Martinez et al. is denied.

Werdegarr, J., was absent and did not participate.

Votes: George, C. J., Kennard, Baxter, Chin, Moreno, and Corrigan, JJ.

S159410 E040848 Fourth Appellate District, Div. 2 **PEOPLE v. COBB, JR., (ROY)**

Supplemental briefing ordered

The court requests the parties to file supplemental briefs directed to the following questions.

1. Does Penal Code section 2972 authorize the continued confinement of a person previously found to be a Mentally Disordered Offender when the trial on the continuation petition has not commenced before the person was otherwise to have been released, the person has not waived time, and good cause for the delay has not been shown?
2. Do the facts in this case allow this court to reach question No. 1?
3. In the absence of a time waiver or good cause for a continuance, does a trial court have jurisdiction to continue an MDO continuation hearing beyond the expiration date of the defendant's current commitment?
4. If the court loses jurisdiction to hold a committee once the MDO commitment expires, is there any other authority for the court to order a committee held for the protection of the committee or others?

The parties are directed to file simultaneous letter briefs on these questions in the San Francisco office of the Supreme Court on or before January 22, 2009. Simultaneous reply briefs may be filed in the San Francisco office of the Supreme Court on or before February 5, 2009. No extensions are contemplated.

Werdegarr, J., was absent and did not participate.

S155481 H028895 Sixth Appellate District**PEOPLE v. LARA (DAVID ALAN)**

Additional issues ordered

The petition for review in this matter was granted on September 25, 2007, and further action was deferred pending consideration and disposition of a related issue in *People v. Price*, S151207, or pending further order of the court.

Respondent is now directed to file, within 30 days of the filing of this order, an opening brief on the merits. Additional briefing to be served and filed in a timely fashion. (See rule 8.520(a), Cal. Rules of Court.) Extensions of time are not contemplated.

In addition to the issue stated in the petition for review, the briefs are to address the following questions also asked of the parties in *People v. Price*, S151207:

1. Does Penal Code section 1026.5 authorize the confinement of a defendant pending a recommitment hearing when the prosecution files a recommitment petition, without good cause, so late that the defense is unable to prepare for trial before the commitment expires?
2. Do the facts of this case allow this court to reach question No. 1?
3. In the absence of a time waiver, does a trial court have jurisdiction to continue an NGI recommitment hearing beyond the expiration date of the defendant's current commitment?
4. If the court loses jurisdiction to hold a committee once the NGI commitment expires, is there any other authority for the court to order a committee held for the protection of the committee or others?

Werdegar, J., was absent and did not participate.

S167716 B203840 Second Appellate District, Div. 5 **V. (DAVID), IN RE**

Issues ordered limited

The issue to be briefed and argued is limited to the following: Was there sufficient evidence to support the juvenile court's finding that the minor possessed metal knuckles within the meaning of Penal Code section 12020, subdivision (c)(7)?

Werdegar, J., was absent and did not participate.

S148270**CONLEY (CARAMAD) ON H.C.**

OSC issued, returnable in Superior Court

The Director of the Department of Corrections and Rehabilitation is ordered to show cause before the San Francisco County Superior Court, when the matter is placed on calendar, why the relief prayed for should not be granted. The return is to be filed on or before January 22, 2009.

The Applications to File Confidential Documents Under Seal, filed on November 22, 2006, and on October 4, 2007, are granted. (Cal. Rules of Court, rule 8.160.) As to petitioner's Exhibits 13 and 15, and those portions of the petition for writ of habeas corpus, the memorandum of points and authorities, the informal response, and the reply that reference these confidential documents,

the court makes the findings required by California Rules of Court, rule 2.550(d) and 8.160(e). The clerk of this court is directed to file petitioner's Exhibits 13 and 15, and those portions of the petition for writ of habeas corpus, the memorandum of points and authorities, the informal response, and the reply that reference these confidential documents under seal.

Votes: George, C. J., Kennard, Baxter, Chin, Moreno, and Corrigan, JJ.

Werdegar, J., was recused and did not participate.

S159076**CARR (CLAUDE) ON H.C.**

OSC issued, returnable in Superior Court

The Director of the Department of Corrections and Rehabilitation is ordered to show cause before the Riverside County Superior Court, when the matter is ordered on calendar, why petitioner is not entitled to have his sentence modified to reflect a 10-year term for second degree robbery (consisting of the five-year upper term, doubled pursuant to Penal Code section 667, subd. (e)(1)) for an aggregate determinate term of 23 years in state prison. (See Pen. Code, § 213, subd. (a)(2); Attorney General's concession in Informal Response in S159076, filed August 18, 2008.)

The return is to be filed on or before January 22, 2009.

Votes: George, C. J., Kennard, Baxter, Chin, Moreno, and Corrigan, JJ.

Werdegar, J., was absent and did not participate.

S167339 C056615 Third Appellate District**PEOPLE v. LAWHORN
(JEFFREY STUART)**

Petition for review denied

Werdegar, J., was absent and did not participate.

S167394 B200933 Second Appellate District, Div. 3**M. (H.), IN RE**

Petition for review denied

Werdegar, J., was absent and did not participate.

S167454 A118151 First Appellate District, Div. 4**PEOPLE v. JASMIN (COREY
MARQUES)**

Petition for review denied

Werdegar, J., was absent and did not participate.

S167517 C054225 Third Appellate District
(ISAAC)**PEOPLE v. VICENTE**

Petitions for review denied

Werdegar, J., was absent and did not participate.

S167562 A115257 First Appellate District, Div. 3

**PEOPLE v. ARANA
(RICARDO)**

Petitions for review denied

Werdegar, J., was absent and did not participate.

S167578 A116362 First Appellate District, Div. 3

**CENTER FOR BIOLOGICAL
DIVERSITY, INC. v. FPL
GROUP, INC.**

Petition for review & depublication request(s) denied

Kennard, J., is of the opinion the petition should be granted.

Werdegar, J., was absent and did not participate.

S167629 F056125 Fifth Appellate District

**GEROLAGA (SALVADOR
DAVID) ON H.C.**

Petition for review denied

Werdegar, J., was absent and did not participate.

S167658 D049656 Fourth Appellate District, Div. 1

**PEOPLE v. CHAIDEZ
(ROBERT CHRISTIAN)**

Petition for review denied

Werdegar, J., was absent and did not participate.

S167674 G038171 Fourth Appellate District, Div. 3

**PEOPLE v. HEKMAT
(AHMAD REZA)**

Petition for review denied

Werdegar, J., was absent and did not participate.

S167710 F047855 Fifth Appellate District

**PEOPLE v. YBARRA
(RONALD ENRIQUE)**

The petitions for review are denied without prejudice to any relief to which defendants might be entitled after the United States Supreme Court decides *Oregon v. Ice*, No. 07-901 (cert. granted March 17, 2008).

Werdegar, J., was absent and did not participate.

S167714 C049845 Third Appellate District

Petitions for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. BARRAGAN
(VICTOR)**

S167724 H029972 Sixth Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

S. (O.), IN RE

S167733 B199951 Second Appellate District, Div. 5

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. VALENCIA
(JUVENAL)**

S167746 H031412 Sixth Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. DEWOLF
(ANTHONY LOUIS)**

S167748 A118435 First Appellate District, Div. 3

Petition for review denied

Werdegar, J., was absent and did not participate.

**VAN SCOY (ERIC) v.
VALERO OIL COMPANY**

S167759 G039347 Fourth Appellate District, Div. 3

Petition for review & publication request(s) denied

Werdegar, J., was absent and did not participate.

**LADD AND ASSOCIATES v.
VENTURA COUNTY
WATERSHED PROTECTION
DISTRICT**

S167775 F052519 Fifth Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. MURPHY
(ANDERSON LOVE)**

S167784 H032139 Sixth Appellate District
Petition for review denied
Werdegar, J., was absent and did not participate.

PEOPLE v. MORRIS (ALEX)

S167802 B210863 Second Appellate District, Div. 1

Petition for review denied
Werdegar, J., was absent and did not participate.

**DAVIS (ALLEN V.C.) v. S.C.
(ACUFF)**

S167837 B197521 Second Appellate District, Div. 8

Petition for review denied
Werdegar, J., was absent and did not participate.

**PEOPLE v. VALLIER (CARL
ANTHONY)**

S167839 F052609 Fifth Appellate District

Petition for review denied
Werdegar, J., was absent and did not participate.

**PEOPLE v. BALTIERRA
(EDUARDO INFANTE)**

S167845 E044700 Fourth Appellate District, Div. 2

Petition for review denied
Werdegar, J., was absent and did not participate.

**PEOPLE v. JONES (DANIEL
LUCAS)**

S167850

**ZACHARIE (CHARLES) v.
COURT OF APPEAL, FIFTH
APPELLATE DISTRICT
(DEPARTMENT OF
CORRECTIONS &
REHABILITATION)**

The petition for writ of mandate is denied as moot.
Werdegar, J., was absent and did not participate.

S167859 B199173 Second Appellate District, Div. 7

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. BATRES
(ROLANDO)**

S167872 H031717 Sixth Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. BARKLEY
(CHRISTOPHER LENN)**

S167892 B199453 Second Appellate District, Div. 7

Petition for review denied

The request for judicial notice is granted.

Werdegar, J., was absent and did not participate.

Corrigan, J., was recused and did not participate.

**JOHNSON (KEVIN) v.
GLAXOSMITHKLINE, INC.**

S167902 A119111 First Appellate District, Div. 5

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. DUNCAN
(DOLORES MARIE)**

S167914 G039032 Fourth Appellate District, Div. 3

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. VEGA (CARLOS
ALBERTO)**

S167922 B199446 Second Appellate District, Div. 5

Petition for review denied

Werdegar, J., was absent and did not participate.

**NORTH PACIFICA LLC. v.
CALIFORNIA COASTAL
COMMISSION**

S167928 A118209 First Appellate District, Div. 5

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. HOUSTON
(JEROME)**

S167929 B202410 Second Appellate District, Div. 4

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. POSEY (ISAIAH
CORTEZ)**

S167930 A122960 First Appellate District, Div. 2

Petition for review denied

Werdegar, J., was absent and did not participate.

**WALKER (STEVEN ERIC)
ON H.C.**

S167934 H031682 Sixth Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. LEE (DARRICK
WYLIEMOORE)**

S167996 C055534 Third Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

PEOPLE v. VUE (BEE)

S168014 C056314 Third Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

**WOO-MING (GEOFFREY E.)
v. GRAVES (ERIC)**

S168017 H031805 Sixth Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. MARTINEZ
(LEON STEVEN)**

S168031 B210840 Second Appellate District, Div. 8

Petition for review denied

Werdegar, J., was absent and did not participate.

MILLAN (SAMUEL) ON H.C.

S168043 B203060 Second Appellate District, Div. 2

Petition for review denied

The request for judicial notice is denied.

Werdegar, J., was absent and did not participate.

**TABOO GENTLEMEN'S
CLUB v. CITY OF ARCADIA**

S168045 E041254 Fourth Appellate District, Div. 2

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. MCKINNEY
(KELVIN LYMON)**

S168051 C054687 Third Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. POPE
(NATHANIEL)**

S168075 B206179 Second Appellate District, Div. 8

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. SHANKLIN
(PARIS ELGIN)**

S168076 D052665 Fourth Appellate District, Div. 1

Petition for review denied; CA opinion decertified

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal filed September 22, 2008, which appears at 166 Cal.App.4th 1519. (Cal. Rules of Court, rule 8.1125).

Werdegar, J., was absent and did not participate.

**QUINONES (AUGUSTIN R.) v.
S.C. (PEOPLE)**

S168083 B197552 Second Appellate District, Div. 4

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. MELENDEZ
(SALVADOR)**

S168084 C055840 Third Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

**ANWYL, SCOFFIELD, &
STEPP v. BLACKHURST
(REGINA)**

S168093 F051184 Fifth Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

PEOPLE v. GOMEZ (JOEL)

S168101 B211128 Second Appellate District, Div. 3

Petition for review denied

Werdegar, J., was absent and did not participate.

LAPONTE (JOHN) ON H.C.

S168102 A119660 First Appellate District, Div. 4

Petition for review denied

Werdegar, J., was absent and did not participate.

PEOPLE v. BAEZ (JOSE)

S168116 D050316 Fourth Appellate District, Div. 1

Petition for review denied

Werdegar, J., was absent and did not participate.

**NOLAND (TALMA) v.
RALPHS GROCERY
COMPANY**

S168135 B201773 Second Appellate District, Div. 6

Petition for review denied

Werdegar, J., was absent and did not participate.

**HORNER (BRENTON L.) v.
STERNBERG (ROBERT A.)/
(PRATT)**

S168144 C059267 Third Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

**CASTELAN (VICTOR
SOLORIO) ON H.C.**

S168172 D050783 Fourth Appellate District, Div. 1

Petition for review denied

Werdegar, J., was absent and did not participate.

**SIGELMAN (KENNETH) v.
LAWYERS MUTUAL
INSURANCE COMPANY**

S168174 H031787 Sixth Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

**EBEY (BARBARA MARTINA)
v. EBEY (GEORGE)**

S168185 B202051 Second Appellate District, Div. 1

Petition for review denied

Werdegar, J., was absent and did not participate.

**KARISH (CARL) v.
GALLAGHER (DONALD)**

S168195 C057985 Third Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

E. (T.), IN RE

S168202 B199925 Second Appellate District, Div. 7

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. MONTEZ (JOSE
CESAR)**

S168208 B198412 Second Appellate District, Div. 8

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. GRIFFIN
(PRENTISS)**

S168209 A114353/A117105 First Appellate District, Div. 3 **PYLE (WALTER K.) v.
HOROWITZ (DANIEL A.)**

Petition for review denied

Werdegar, J., was absent and did not participate.

S168212 B196778/B200476 Second Appellate District, Div. 2 **COHEN (MARLENE) v.
BURGER (DELORES)**

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

Werdegar, J., was absent and did not participate.

S168216 H032924 Sixth Appellate District **PEOPLE v. HULTON
(EDWARD GILFILIAN)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court decides *Oregon v. Ice*, No. 07-901.

Werdegar, J., was absent and did not participate.

S168217 B203095 Second Appellate District, Div. 1 **LIGGINS (CLAUDE ALBERT)
v. TABALON (LERRY)**

Petition for review denied

Werdegar, J., was absent and did not participate.

S168220 G039881 Fourth Appellate District, Div. 3 **H. (D.), IN RE**

Petition for review denied

Werdegar, J., was absent and did not participate.

S168254 C057162 Third Appellate District **PEOPLE v. WINSTON
(KENNETH PAUL)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Nguyen*, S154847.

Werdegar, J., was absent and did not participate.

S168265 B209523 Second Appellate District, Div. 6

Petition for review denied
Werdegar, J., was absent and did not participate.

**RODRIGUEZ (RICARDO) v.
STATE OF CALIFORNIA
DEPARTMENT OF
CORRECTIONS**

S168283 E044562 Fourth Appellate District, Div. 2

Petition for review denied
Werdegar, J., was absent and did not participate.

**PEOPLE v. VASQUEZ
(HECTOR SKYHAWK)**

S168293 B209387 Second Appellate District, Div. 2

Petition for review denied
Werdegar, J., was absent and did not participate.

**GRAY (GRACIE T.) v.
DEPARTMENT OF
TRANSPORTATION-METRO**

S168299 B210775 Second Appellate District, Div. 7

Petition for review denied
Werdegar, J., was absent and did not participate.

**ROBIN SINGH
EDUCATIONAL SERVICES,
INC. v. BLUEPRINT TEST
PREPARATION LLC.**

S168304 A119585 First Appellate District, Div. 3

Petition for review denied
Werdegar, J., was absent and did not participate.

**PEOPLE v. SCHNEIDER
(STEPHEN LORENZ)**

S168313 E046976 Fourth Appellate District, Div. 2

The petition for review is denied as moot.
Werdegar, J., was absent and did not participate.

**SMITH (MELANIE) v. S.C.
(PEOPLE)**

S168314 C054269 Third Appellate District

**PEOPLE v. KELBATYROV
(MOISEY)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court decides *Oregon v. Ice*, No. 07-901.

Werdegar, J., was absent and did not participate.

S168320 A120662 First Appellate District, Div. 2

G. (E.), IN RE

Petitions for review denied

Werdegar, J., was absent and did not participate.

S168321 E042072 Fourth Appellate District, Div. 2

**PEOPLE v. BERGMANN
(CHARMAIN LOUISE)**

Petition for review denied

Werdegar, J., was absent and did not participate.

S168323 C051333 Third Appellate District

**PEOPLE v. BURCEA
(LUCIAN GRAGOS)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court decides *Oregon v. Ice*, No. 07-901.

Werdegar, J., was absent and did not participate.

S168325 C056774 Third Appellate District

**PEOPLE v. LOPEZ-
RODRIGUEZ (JOSE A.)**

Petition for review denied

Werdegar, J., was absent and did not participate.

S168328 D051123 Fourth Appellate District, Div. 1

PEOPLE v. MOORE (ANDRE)

Petition for review denied

Werdegar, J., was absent and did not participate.

S168333 A120914 First Appellate District, Div. 4
ANTONSSON

KAST (JOHN) v.

(ANNA KARIN)

Petition for review denied

Werdegar, J., was absent and did not participate.

S168336 E044024 Fourth Appellate District, Div. 2

Petition for review denied

Werdegar, J., was absent and did not participate.

PEOPLE v. SPICER (JOHN ALLEN)

S168337 E046855 Fourth Appellate District, Div. 2

Petition for review denied

Werdegar, J., was absent and did not participate.

ROBINSON (DESHAWN ANTHONY) ON H.C.

S168342 E044373 Fourth Appellate District, Div. 2

Petition for review denied

Werdegar, J., was absent and did not participate.

PEOPLE v. SIMPSON (QUINTELLE DERREL)

S168343 G039184 Fourth Appellate District, Div. 3

(JUAN

PEOPLE v. BRIONES (JOHN VALDEZ) & NORIEGA

DIEGO)

The petition for review is denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court decides *Oregon v. Ice*, No. 07-901.

Werdegar, J., was absent and did not participate.

S168350 G039050 Fourth Appellate District, Div. 3

Petition for review denied

Werdegar, J., was absent and did not participate.

GARBER (MELINDA & RONALD), MARRIAGE OF

S168351 B201787 Second Appellate District, Div. 6

Petition for review denied

Werdegar, J., was absent and did not participate.

KROMBERG (JACK & THERESE), MARRIAGE OF

S168357 A117881 First Appellate District, Div. 5

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. PHARR
(ANTHONY)**

S168367 C056072 Third Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

**WOODS (DAVID) v. SHEWRY
(SANDRA)/(DEPARTMENT
OF CORRECTIONS &
REHABILITATION)**

S168373 F053853 Fifth Appellate District

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. LOPEZ (JORGE
LEON)**

S168377 E043357 Fourth Appellate District, Div. 2

Petition for review denied

Werdegar, J., was absent and did not participate.

**PEOPLE v. WILLIAMS
(CHARLES S.)**

S168380

PEOPLE v. S.C. (JONES)

The stay previously issued by this court on November 20, 2008, is dissolved.

The petition for review is denied as moot.

Werdegar, J., was absent and did not participate.

S168384 B202991 Second Appellate District, Div. 6

Petition for review denied

Werdegar, J., was absent and did not participate.

**WATSON (ERNEST) v.
KUNDA (ED) & KUNDA
(JUDITH)**

S168385 B193143 Second Appellate District, Div. 6

Petition for review denied

Werdegarr, J., was absent and did not participate.

**PEOPLE v. SANTOS (ERNIE
JOE LIBRADO)**

S168391 B207416 Second Appellate District, Div. 5

Petition for review denied

Werdegarr, J., was absent and did not participate.

D. (D), IN RE

S168392 B204457 Second Appellate District, Div. 6

Petition for review denied

Werdegarr, J., was absent and did not participate.

**SANTOS (ERNIE JOE) ON
H.C.**

S168394 C057689 Third Appellate District

Petition for review denied

Werdegarr, J., was absent and did not participate.

**PEOPLE v. THAO (CHARLIE
CHONG)**

S168408 D050832 Fourth Appellate District, Div. 1

Petition for review denied

The application to appear as counsel pro hac vice is granted.

Werdegarr, J., was absent and did not participate.

**STURGEON (HAROLD P.) v.
COUNTY OF LOS ANGELES**

S168411 B199294 Second Appellate District, Div. 2

Petition for review denied

Werdegarr, J., was absent and did not participate.

**JAY BHARAT DEVELOPERS,
INC. v. MINIDIS (JIM)**

S168432 A119616 First Appellate District, Div. 1

Petition for review denied

Werdegarr, J., was absent and did not participate.

**PEOPLE v. OLDS (TOD
WESLEY)**

S168439 F054925 Fifth Appellate District
Petition for review denied
Werdegar, J., was absent and did not participate.

D. (J.), IN RE

S168440 H033526 Sixth Appellate District
Petition for review denied
Werdegar, J., was absent and did not participate.

**SCHLAFLY (ROGER) ON
H.C.**

S168444 E043872 Fourth Appellate District, Div. 2
Petition for review denied
Werdegar, J., was absent and did not participate.

**PEOPLE v. SANCHEZ
(ARTURO LARIOS)**

S168454 E044150 Fourth Appellate District, Div. 2
Petition for review denied
Werdegar, J., was absent and did not participate.

**PEOPLE v. MARTINEZ
(JUAN FRANCISCO)**

S168455 D053919 Fourth Appellate District, Div. 1
Petition for review denied
Werdegar, J., was absent and did not participate.

JOHNSON (ANDRE) ON H.C.

S168457 B198107 Second Appellate District, Div. 3
The petition for review is denied without prejudice to any relief to which defendant might be entitled after the United States Supreme Court decides *Oregon v. Ice*, No. 07-901.
Werdegar, J., was absent and did not participate.

**PEOPLE v. JOHNSON
(DEREK)**

S168465 B203910 Second Appellate District, Div. 1
Petition for review denied
Werdegar, J., was absent and did not participate.

**ENA 9 LLC. v. MARINELLO
(KRISTIE)**

S168475 G038610/G038611 Fourth Appellate District, Div. 3 **PEOPLE v. MARTELL (JOSE DEJESUS)**

Petition for review denied

Werdegar, J., was absent and did not participate.

S168556 B200704 Second Appellate District, Div. 5 **SHARMA (LILAVATI) v. PARDUE (A. MICHAEL)**

Petition for review denied

Werdegar, J., was absent and did not participate.

S168989 C060164 Third Appellate District **PEOPLE v. MEREDITH (DWAYNE)**

Petition for review denied

Werdegar, J., was absent and did not participate.

S168998 B211676 Second Appellate District, Div. 5 **SOLOMON (DAVID) v. S.C. (PEOPLE)**

Petition for review and application for stay denied

Werdegar, J., was absent and did not participate.

S158711 **PASILLAS (JOSE ANTONIO) ON H.C.**

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S161996 **LINDSEY, JR., (MACIO L.) ON H.C.**

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S163303 **BAROUDI (BASSEL) ON H.C.**

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S163597**STEWART (CARLETHA A.)
ON H.C.**

The petition for writ of habeas corpus is denied without prejudice to filing a petition for writ of habeas corpus in the trial court. (See *In re Lawrence* (2008) 44 Cal.4th 1181.)
Werdegar, J., was absent and did not participate.

S164263**WESTFALL (LARRY GENE)
ON H.C.**

Petition for writ of habeas corpus denied
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Weber* (1974) 11 Cal.3d 703, 724-725.)
Werdegar, J., was absent and did not participate.

S164654**WILHELM (STEVEN HAIRL)
ON H.C.**

Petition for writ of habeas corpus denied
(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Werdegar, J., was absent and did not participate.

S164689**GRAHAM (ANTHONY) ON
H.C.**

Petition for writ of habeas corpus denied
(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
Werdegar, J., was absent and did not participate.

**S164821
ON****WATKINS (NOEL KEITH)
H.C.**

Petition for writ of habeas corpus denied
Werdegar, J., was absent and did not participate.

S164825**KEY (MCKINLEY) ON H.C.**

Petition for writ of habeas corpus denied
Werdegar, J., was absent and did not participate.

S164890

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

KNIGHT (HARVEY) ON H.C.**S164900**

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

METTERS (JAMES) ON H.C.**S164952**

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

GARCIA (DANNY) ON H.C.**S164955**

H.C.
Petition for writ of habeas corpus denied
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)
Werdegarr, J., was absent and did not participate.

BARNES (GREGG L.) ON**S164969**

Petition for writ of habeas corpus denied
(See *In re Miller* (1941) 17 Cal.2d 734.)
Werdegarr, J., was absent and did not participate.

**HERNANDEZ (JOSE
GILBERTO) ON H.C.****S164986**

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**JONES (DARRYLE L.) ON
H.C.****S165023**

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**NICHELINI (MICHAEL
VALENTINE) ON H.C.**

S165031

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

ALLEN (BILLY) ON H.C.**S165092**

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

MAYO (QUENTIN) ON H.C.**S165093**

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

PHILLIPS (TOMMY) ON H.C.**S165094**

Petition for writ of habeas corpus denied
(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
Werdegarr, J., was absent and did not participate.

**MCKILLIGAN (JEFFREY
DONALD) ON H.C.****S165150**

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**CONTRERAS (JOSEPH) ON
H.C.****S165162**

Petition for writ of habeas corpus denied
(See *In re Miller* (1941) 17 Cal.2d 734.)
Werdegarr, J., was absent and did not participate.

**HANDY (REGINALD) ON
H.C.****S165171**

The petition for writ of habeas corpus is denied without prejudice to any relief to which petitioner might be entitled after this court decides *In re Gomez*, S155425: whether a habeas corpus petitioner whose conviction became final after *Blakely v. Washington* (2004) 542 U.S. 296 but before *Cunningham v. California* (2007) 549 U.S. 270 is entitled to the benefit of the high court's decision in *Blakely*.

GAGE (GEORGE H.) ON H.C.

Werdegarr, J., was absent and did not participate.

S165191

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**MCCLINTON (JOVAN) ON
H.C.**

S165192

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**ARNAIZ (JOE ANTHONY)
ON H.C.**

S165255

Petition for writ of habeas corpus denied
(See *In re Miller* (1941) 17 Cal.2d 734.)
Werdegarr, J., was absent and did not participate.

**MCCLINTON (JOVAN) ON
H.C.**

S166935

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**TURNER (RAYMOND) ON
H.C.**

S167487

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**CASTRO (ILDEBRANDO) ON
H.C.**

S167554

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

ECKERT (ANN) ON H.C.

S167581 H032659 Sixth Appellate District
Petition for writ of habeas corpus & stay denied as moot.
Werdegarr, J., was absent and did not participate.

O. (ANTONIO) ON H.C.

S167806

Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

**MARTINEZ (RONALD) ON
H.C.**

S168097

Petition for writ of habeas corpus denied
(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
Werdegarr, J., was absent and did not participate.

**WELCH (EUGENE
EVERETT) ON H.C.**

S168138
Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

EDWARDS (BRIAN) ON H.C.

S168317
Petition for writ of habeas corpus denied
Werdegarr, J., was absent and did not participate.

LAL (AZHAR) ON H.C.

S168319

Petition for writ of habeas corpus denied
(See *In re Dexter* (1979) 25 Cal.3d 921.)
Werdegarr, J., was absent and did not participate.

**MCINTOSH (WESLEY) ON
H.C.**

S168339
Petition for writ of habeas corpus denied
(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
Werdegarr, J., was absent and did not participate.

CAMPOS (LOUIS R.) ON H.C.

S168424**THORNTON (GLENN D.) ON
H.C.**

Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

Werdegar, J., was absent and did not participate.

S168433**MUSOVICH (PETER) ON****H.C.**

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S168449**VEGA (CARLOS
HERNANDEZ) ON H.C.**

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S168460**PEREZ (MARCO) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

Werdegar, J., was absent and did not participate.

S168467**GRIFFIN (KENNETH) ON
H.C.**

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S168483**BROOKINS (BARRY) ON****H.C.**

Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

Werdegar, J., was absent and did not participate.

S168488**GRIFFIN II (CHARLES E.)
ON H.C.**

Petition for writ of habeas corpus denied

Werdegar, J., was absent and did not participate.

S168504

Petition for writ of habeas corpus denied
Werdegar, J., was absent and did not participate.

WANG (CHARLES) ON H.C.**S168650****H.C.**

Petition for writ of habeas corpus denied
(See *In re Dexter* (1979) 25 Cal.3d 921; *In re Miller* (1941) 17 Cal.2d 734.)
Werdegar, J., was absent and did not participate.

BROOKINS (BARRY) ON**S168677**

Petition for writ of habeas corpus denied
(See *In re Dexter* (1979) 25 Cal.3d 921.)
Werdegar, J., was absent and did not participate.

**DOMBROVSKY (OLEG) ON
H.C.****S168707**

Petition for writ of habeas corpus denied
Werdegar, J., was absent and did not participate.

**CRAM (BARBARA R.) ON
H.C.****S168724**

Petition for writ of habeas corpus denied
(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)
Werdegar, J., was absent and did not participate.

**ANDERSON (RICHARD N.)
ON H.C.****S168731**

Petition for writ of habeas corpus denied
Werdegar, J., was absent and did not participate.

**EXMUNDO (EMELITO) ON
H.C.****S168748**

Petition for writ of habeas corpus denied
Werdegar, J., was absent and did not participate.

**ELLIOTT (TYRONE
MARCEL) ON H.C.**

S168767

Petition for writ of habeas corpus denied
Werdegar, J., was absent and did not participate.

S167727 F052046 Fifth Appellate District

Publication request denied (case closed)
Werdegar, J., was absent and did not participate.

S167729 H029296 Sixth Appellate District

Depublication request denied (case closed)
Werdegar, J., was absent and did not participate.

S167854 C055709 Third Appellate District

Publication request denied (case closed)
Werdegar, J., was absent and did not participate.

S167911 E043432 Fourth Appellate District, Div. 2

Publication request denied (case closed)
Werdegar, J., was absent and did not participate.

S167952 B199810 Second Appellate District, Div. 6

Depublication request denied (case closed)
Werdegar, J., was absent and did not participate.

S168410 B204569 Second Appellate District, Div. 1

Publication request denied (case closed)
Werdegar, J., was absent and did not participate.

**HEMPHILL (ANTHONY) ON
H.C.****STATEN (DWIGHT A.) v.
CALDERON (ARTHUR)****HOLLISTER, CITY OF v.
MONTEREY INSURANCE
COMPANY****PEOPLE v. LOPEZ, JR.
(GABRIEL JOSE)****PEOPLE v. FOX (CHASITY
MARIE)****PEREZ (CINDY) v. CITY OF
LOS ANGELES****PEOPLE v. MITCHELL
(ELWOOD)**

S167896 A117951 First Appellate District, Div. 5 **PEOPLE v. WEAVER
(CLEAVES J.)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 28, 2009.

S167904 B197553 Second Appellate District, Div. 5 **PEOPLE v. TASSIN
(HAROLD JOSEPH)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 28, 2009.

S167977 A120449 First Appellate District, Div. 1 **H. (K), IN RE**

The time for granting or denying review in the above-entitled matter is hereby extended to January 30, 2009.

S167984 H031162 Sixth Appellate District **PEOPLE v. HOUSTON (OCIE
JEAN)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 30, 2009.

S168154 C056930 Third Appellate District **PEOPLE v. MIRALRIO (JOSE
ALBERTO)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 6, 2009.

S168177 G038028 Fourth Appellate District, Div. 3 **PEOPLE v. BAIMA (COREY
JOEL)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 10, 2009.

S168186 C053694 Third Appellate District **PEOPLE v. GRANT
(RUSSELL STEPHEN)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 11, 2009.

S168187 C056783 Third Appellate District

**PEOPLE v. SPLAWN
(STEVEN MICHAEL)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 10, 2009.

S168197 C055627 Third Appellate District

PEOPLE v. RAY (DONALD)

The time for granting or denying review in the above-entitled matter is hereby extended to February 6, 2009.

S168234 C055878 Third Appellate District

**PEOPLE v. DEFRANCE
(CURTIS BRYANT)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 11, 2009.

S168287 D050997 Fourth Appellate District, Div. 1

**PEOPLE v. BEAVER (JOSE
LUIS)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 11, 2009.

S168295 B197513 Second Appellate District, Div. 1

**KETTENRING (ERNEST) v.
LOS ANGELES UNIFIED
SCHOOL DISTRICT**

The time for granting or denying review in the above-entitled matter is hereby extended to February 11, 2009.

S022998

**PEOPLE v. TOWNSEL
(ANTHONY LETRICE)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender C. Delaine Renard's representation that she anticipates filing the appellant's opening brief by November 1, 2009, counsel's request for an extension of time in which to file that brief is granted to February 23, 2009. After that date, only five further extensions totaling about 250 additional days are contemplated.

S024046**PEOPLE v. O'MALLEY
(JAMES FRANCIS)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Nanette Winaker's representation that she anticipates filing the respondent's brief by May 31, 2009, counsel's request for an extension of time in which to file that brief is granted to February 23, 2009. After that date, only two further extensions totaling about 100 additional days are contemplated.

S029843**PEOPLE v. BECK (JAMES
DAVID) & CRUZ (GERALD
DEAN)**

Extension of time granted

On application of appellant Gerald Dean Cruz and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to February 24, 2009.

S035190**PEOPLE v. HOUSTON (ERIC
CHRISTOPHER)**

Extension of time granted

Good cause appearing, and based upon counsel David H. Schwartz's representation that he anticipates filing the appellant's reply brief by July 31, 2009, counsel's request for an extension of time in which to file that brief is granted to March 3, 2009. After that date, only three further extensions totaling about 150 additional days are contemplated.

S062180**PEOPLE v. VALDEZ
(RICHARD)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to February 24, 2009.

S091915**PEOPLE v. NUNEZ (DANIEL)
& SATELE (WILLIAM)**

Extension of time granted

On application of appellant Daniel Nunez and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to February 27, 2009.

S095076**PEOPLE v. PENUNURI
(RICHARD)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to February 23, 2009.

S105908**PEOPLE v. GHOBRIAL
(JOHN SAMUEL)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Denise Anton's representation that she anticipates filing the appellant's opening brief by October 2009, counsel's request for an extension of time in which to file that brief is granted to February 24, 2009. After that date, only four further extensions totaling 240 additional days are contemplated.

S121365**SNOW (PRENTICE JUAN) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Sarah M. Cohbra's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by September 15, 2009, counsel's request for an extension of time in which to file that document is granted to February 23, 2009. After that date, only four further extensions totaling about 200 additional days are contemplated.

S162647 H030272 Sixth Appellate District**SAN JOSE, CITY OF v.
OPERATING ENGINEERS
LOCAL UNION NO. 3**

Extension of time granted

On application of appellant City of San Jose and respondents Operating Engineers Local Union No. 3 et al. and good cause appearing, it is ordered that the time to serve and file their answers to the amicus curiae briefs is extended to February 3, 2008.

S168047**STRAUSS (KAREN L.) v.
HORTON (MARK B.)/
(HOLLINGSWORTH)**

Extension of time denied

The application, filed by petitioners on December 23, 2008, requesting an extension of time to file the reply brief, is denied.

S131819**PEOPLE v. WILLIAMS
(GEORGE)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Paul J. Spiegelman is hereby appointed to represent appellant George Williams for the direct appeal in the above automatic appeal now pending in this court.

S004602**PEOPLE v. STANKEWITZ
(DOUGLAS RAY)**

Motion denied

Appellant's motion pursuant to *People v. Marsden* (1970) 2 Cal.3d 118, filed on May 21, 2008, is denied.

The motion to expedite ruling on the *Marsden* motion is denied as moot.

Werdegarr, J., was absent and did not participate.

S054774**PEOPLE v. TAYLOR (KEITH
DESMOND)**

Order filed

Respondent's "Request for Leave to File a Second Supplemental Respondent's Brief in Excess of 2,800 Words" is granted.

S156449**MITCHELL (ROBERT) ON
H.C.**

Order filed

Pursuant to written request of petitioner the above-entitled petition for writ of habeas corpus is ordered withdrawn.

S156986

B186238 Second Appellate District, Div. 8

**MILEIKOWSKY (GIL N.) v.
WEST HILLS HOSPITAL
MEDICAL CENTER**

Order filed

The request of counsel for respondents in the above-referenced cause to allow two counsel to argue on behalf of respondents at oral argument is hereby granted.

The request of respondents to allocate to amicus curiae California Hospital Association et al. 10 minutes of respondents' 30-minute allotted time for oral argument is granted.

S168393 B208244 Second Appellate District, Div. 7 **LOONEY (BURL C.) v.**
CAMPBELL (ROBERT A.)

Order filed

The order filed December 18, 2008, is hereby amended to read as follows:

“On application of appellants and good cause appearing, it is ordered that the time to serve and file their reply to the answer to the petition for review is hereby extended to and including January 2, 2009.”

S130495 **MASTERS (JARVIS J.) ON**
H.C.

Referee appointed

THE COURT:

Based on the record in this matter and good cause appearing:

The Honorable M. Lynn Duryee, Judge of the Superior Court of California, County of Marin, is appointed to sit as a referee in this proceeding. The referee will take evidence and make findings of fact on the following questions regarding the case of *People v. Jarvis J. Masters* (Marin County Superior Court No. 10467; Judge Beverly B. Savitt):

1. Was false evidence regarding petitioner’s role in the charged offenses admitted at the guilt phase of petitioner’s trial? If so, what was that evidence?
2. Is there newly discovered, credible evidence indicative of petitioner’s not having been a participant in the charged offenses? If so, what is that evidence?
3. What, if any, promises or threats were made to guilt phase prosecution witness Rufus Willis by District Attorney Investigator Charles Numark or Deputy District Attorneys Edward Berberian or Paula Kamena? Was Willis’s trial testimony affected by any such promises or threats, and, if so, how?
4. Were there promises, threats or facts concerning guilt phase prosecution witness Bobby Evans’s relationship with law enforcement agencies of which Deputy District Attorneys Berberian and Kamena were, or should have been, aware, but that were not disclosed to the defense? If so, what are those promises, threats or facts?
5. Did Deputy District Attorneys Berberian and Kamena knowingly present false testimony by Bobby Evans? If so, what was that testimony?
6. What, if any, promises or threats were made to Bobby Evans by District Attorney Investigator Numark, Department of Corrections Investigator James Hahn, or Deputy District Attorneys Berberian and Kamena? Was Evans’s trial testimony affected by any such promises or threats, and, if so, how?
7. Did penalty phase prosecution witness Johnny Hoze provide false testimony regarding petitioner’s involvement in the murder of inmate David Jackson? If so, what was that false testimony?

It is further ordered that the referee prepare and submit to this court a report of the proceedings conducted pursuant to this appointment, of the evidence adduced, and the findings of fact made.

